

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YONG BIAO JI, on behalf of himself and
others similarly situated,
Plaintiff,
v.
NEW AILY FOOT RELAX STATION INC,
and EILEEN FOOT RELAX STATION INC,
Defendants.
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ORDER

22 CV 8196 (VB)

Today, the Court conducted an in-person, on-the-record, status conference in this case. Plaintiff's counsel attended the conference, but defendants failed to appear, either themselves or through counsel, without excuse or explanation.

Today's conference was scheduled by Court Order on July 6, 2023. (Doc. #33). Defense counsel Ning Ye, Esq., was provided with a copy of the July 6 Order through an ECF notification on that date. Plaintiff's counsel also served a copy of the July 6 Order on each defendant by mail at such defendant's last known address as well as through the secretary of state. (Doc. #34).

The July 6 Order warned defendants that failing to appear at today's conference could result in the Court permitting plaintiff to seek a certificate of default and move for default judgment against them. Accordingly, defense counsel and defendants had notice of today's conference, and the consequences of not attending. Yet they still failed to appear.

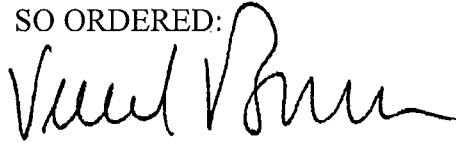
Defendants and defense counsel also failed to appear at the initial conference in this case on July 6, 2023, and defense counsel failed to comply with the Court's July 6 Order, which directed defense counsel to file proof of service of the July 6 Order on his clients by July 10, 2023. (Doc. #33).

Moreover, on July 10, 2023, plaintiff moved to dismiss the counterclaims asserted in defendants' answer. (Doc. #35; see also Doc. #25). The deadline for defendants to respond to the motion was July 24, 2023. See S.D.N.Y. Local Civil Rule 6.1(b). However, to date, defendants have not responded to the motion. Accordingly, at today's conference, the Court deemed plaintiff's motion to dismiss the counterclaims fully submitted and unopposed. The Court will decide the motion in due course.

By August 18, 2023, plaintiff's counsel must serve a copy of this Order on each defendant through the secretary of state and at each defendant's last known mailing address, and file proof of such service on the ECF docket.

Dated: August 15, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge